



Reprinted
March 31, 2009

ENGROSSED SENATE BILL No. 345

DIGEST OF SB 345 (Updated March 30, 2009 4:05 pm - DI 104)

Citations Affected: IC 5-2; IC 12-7; IC 12-13; IC 33-37; IC 34-26; IC 35-42; noncode.

Synopsis: Domestic violence programs and Indiana protective order registry. Transfers the administration of sexual offense services, domestic violence programs, the assistance to victims of human and sexual trafficking, the domestic violence prevention and treatment council, the domestic violence prevention and treatment fund, and the family violence and victim assistance fund to the criminal justice institute. Establishes the Indiana protective order registry (registry) and requires the division of state court administration to create, manage, and maintain the registry. Requires a law enforcement agency that perfects service of a protective order to enter certain information into the registry. Requires a clerk of the circuit court to enter: (1) a case concerning a petition for an order for protection; and (2) a foreign protective order that is registered; into the registry. Makes conforming changes. Repeals the current law concerning the domestic violence prevention and treatment council, the domestic violence prevention and treatment fund, and the family violence and victim assistance fund.

Effective: June 30, 2009; July 1, 2009.

Becker, Lawson C, Taylor, Young R
(HOUSE SPONSORS — LAWSON L, CROUCH)

January 8, 2009, read first time and referred to Committee on Judiciary.
February 19, 2009, amended, reported favorably — Do Pass.
February 23, 2009, read second time, ordered engrossed. Engrossed.
February 24, 2009, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 2, 2009, read first time and referred to Committee on Judiciary.
March 12, 2009, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.
March 23, 2009, reported — Do Pass.
March 30, 2009, read second time, amended, ordered engrossed.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 345

A BILL FOR AN ACT to amend the Indiana Code concerning
public safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.107-2008,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2009]: Sec. 3. The institute is established to do the following:
- 4 (1) Evaluate state and local programs associated with:
- 5 (A) the prevention, detection, and solution of criminal
- 6 offenses;
- 7 (B) law enforcement; and
- 8 (C) the administration of criminal and juvenile justice.
- 9 (2) Improve and coordinate all aspects of law enforcement,
- 10 juvenile justice, and criminal justice in this state.
- 11 (3) Stimulate criminal and juvenile justice research.
- 12 (4) Develop new methods for the prevention and reduction of
- 13 crime.
- 14 (5) Prepare applications for funds under the Omnibus Act and the
- 15 Juvenile Justice Act.
- 16 (6) Administer victim and witness assistance funds.
- 17 (7) Administer the traffic safety functions assigned to the institute

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under IC 9-27-2.

(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

(13) Establish, maintain, and operate, subject to specific appropriation by the general assembly, a web site containing a list of properties (as defined in IC 5-2-6-19(b)) that have been used as the site of a methamphetamine laboratory.

(14) Develop and manage the gang crime witness protection program established by section 21 of this chapter.

(15) Identify grants and other funds that can be used to fund the gang crime witness protection program.

(16) After December 31, 2008, administer the licensing of:

(A) commercial driver training schools; and

(B) instructors at commercial driver training schools.

(17) Administer any sexual offense services.

(18) Administer domestic violence programs.

(19) Administer assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.

(20) Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.

(21) Administer the family violence and victim assistance fund under IC 5-2-6.8.

SECTION 2. IC 5-2-6-14, AS AMENDED BY P.L.216-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) The victim and witness assistance fund is established. The institute shall administer the fund. Except as provided in subsection (e), expenditures from the fund may be made only in accordance with appropriations made by the general assembly.

(b) The source of the victim and witness assistance fund is the family violence and victim assistance fund established by ~~IC 12-18-5-2.~~

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IC 5-2-6.8-3.

(c) The institute may use money from the victim and witness assistance fund when awarding a grant or entering into a contract under this chapter, if the money is used for the support of a program in the office of a prosecuting attorney or in a state or local law enforcement agency designed to:

- (1) help evaluate the physical, emotional, and personal needs of a victim resulting from a crime, and counsel or refer the victim to those agencies or persons in the community that can provide the services needed;
- (2) provide transportation for victims and witnesses of crime to attend proceedings in the case when necessary; or
- (3) provide other services to victims or witnesses of crime when necessary to enable them to participate in criminal proceedings without undue hardship or trauma.

(d) Money in the victim and witness assistance fund at the end of a particular fiscal year does not revert to the general fund.

(e) The institute may use money in the fund to:

- (1) pay the costs of administering the fund, including expenditures for personnel and data;
- (2) support the registration of sex or violent offenders under IC 11-8-8 and the Indiana sex and violent offender registry established under IC 36-2-13-5.5;
- (3) provide training for persons to assist victims; and
- (4) establish and maintain a victim notification system under IC 11-8-7 if the department of correction establishes the system.

SECTION 3. IC 5-2-6.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 6.6. Domestic Violence Prevention and Treatment Council

Sec. 1. As used in this chapter, "council" refers to the domestic violence prevention and treatment council established by section 3 of this chapter.

Sec. 2. As used in this chapter, "division" refers to the victim services division of the Indiana criminal justice institute.

Sec. 3. (a) The domestic violence prevention and treatment council is established within the division.

(b) The division shall provide staff support to the council.

Sec. 4. The council consists of thirteen (13) members appointed by the governor. Each member must have experience and knowledge with regard to the problems of domestic violence. The

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members must include the following:

- (1) A domestic violence services provider.
- (2) A survivor of domestic violence.
- (3) A member recommended by the Indiana Coalition Against Domestic Violence.
- (4) A member recommended by the Indiana Coalition Against Sexual Assault.
- (5) A law enforcement officer.
- (6) A member recommended by the prosecuting attorneys council of Indiana.
- (7) A mental health professional.
- (8) A medical professional.
- (9) A provider of services to children who are victims of abuse or neglect.
- (10) A representative of a certified batterers intervention program.
- (11) A faculty member of an accredited college or university.
- (12) A member recommended by the Latino Coalition Against Domestic and Sexual Violence.
- (13) A member recommended by the public defender council of Indiana.

Sec. 5. A member serves a term of three (3) years, with each term beginning July 1 and ending June 30.

Sec. 6. A member may be removed by the governor for cause.

Sec. 7. A member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the remainder of the unexpired term.

Sec. 8. Each member of the council is entitled to the following:

- (1) The minimum salary per diem provided in IC 4-10-11-2.1(b).
- (2) Reimbursement for traveling expenses and other expenses as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 9. The governor shall designate one (1) member to preside over the initial meeting of the council each year. At the first meeting of the council each year, members shall elect a chairperson for the subsequent twelve (12) month period.

Sec. 10. The council shall do the following:

- (1) Coordinate and monitor programs for the domestic violence prevention and treatment fund under IC 5-2-6.7.
- (2) Develop and implement a state plan to provide services for

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the prevention and treatment of domestic violence.

(3) Review and recommend to the division the approval or disapproval of grants or contracts in accordance with IC 5-2-6.7.

(4) Develop and recommend a plan to coordinate funding of domestic violence and sexual assault programs.

(5) Recommend to the division rules to be adopted by the division under IC 4-22-2 to carry out this chapter.

SECTION 4. IC 5-2-6.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 6.7. Domestic Violence Prevention and Treatment Fund

Sec. 1. As used in this chapter, "division" refers to the victim services division of the Indiana criminal justice institute.

Sec. 2. As used in this chapter, "domestic violence prevention and treatment center" means an organized entity:

(1) established by:

(A) a city, town, county, or township; or

(B) an entity exempted from the gross retail tax under IC 6-2.5-5-21(b)(1)(B); and

(2) created to provide services to prevent and treat domestic or family violence.

Sec. 3. As used in this chapter, "fund" refers to the domestic violence prevention and treatment fund established by this chapter.

Sec. 4. The domestic violence prevention and treatment fund is established.

Sec. 5. The division shall administer the fund.

Sec. 6. Sources of money for the fund consist of the following:

(1) Appropriations from the general assembly.

(2) Transfers from the family violence and victim assistance fund established by IC 5-2-6.8-3.

(3) Donations, gifts, and money received from any other source.

Sec. 7. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

Sec. 8. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 9. A city, town, county, or township or an entity that is exempted from the gross retail tax under IC 6-2.5-5-21(b)(1)(B) that desires to receive a grant under this chapter or enter into a

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contract with the domestic violence prevention and treatment council established under IC 5-2-6.6 must apply in the manner prescribed by the rules of the division.

Sec. 10. The division may make grants to and enter into contracts with entities eligible under section 9 of this chapter. However, the division may not grant more than seventy-five percent (75%) of the money necessary for the establishment or maintenance of a domestic violence prevention and treatment center during a specified time. The amount granted by the division for use by a single domestic violence and prevention treatment center may not exceed one hundred thousand dollars (\$100,000) each year.

Sec. 11. The division may use money from the fund when awarding a grant or entering into a contract under this chapter if the money is used for the support of a program designed to do any of the following:

- (1) Establish or maintain a domestic violence prevention and treatment center offering the services listed in section 12 of this chapter.
- (2) Develop and establish a training program for professional, paraprofessional, and volunteer personnel who are engaged in areas related to the problems of domestic violence.
- (3) Conduct research necessary to develop and implement programs for the prevention and treatment of domestic violence.
- (4) Develop and implement other means for the prevention and treatment of domestic violence.

Sec. 12. An entity eligible under section 9 of this chapter may not receive money under this chapter for purposes of establishing and maintaining a domestic violence prevention and treatment center unless the center furnishes, agrees to furnish, or arranges with a third party to furnish all of the following services:

- (1) Emergency shelter, provided either at the center or by arrangement at temporary residential facilities available in the community, that is available to a person who fears domestic or family violence.
- (2) A twenty-four (24) hour telephone system to provide crisis assistance to a person threatened by domestic or family violence.
- (3) Emergency transportation services if necessary to aid victims of domestic or family violence.
- (4) Information, referral, and victim advocacy services in the

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areas of health care assistance, social and mental health services, family counseling, job training and employment opportunities, legal assistance, and counseling for dependent children.

Sec. 13. The division may use money from the fund to hire the staff necessary to carry out this chapter.

Sec. 14. The division may enter into an agreement with a person for the receipt of money consistent with this chapter.

SECTION 5. IC 5-2-6.8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 6.8. Family Violence and Victim Assistance Fund

Sec. 1. As used in this chapter, "division" refers to the victim services division of the Indiana criminal justice institute.

Sec. 2. As used in this chapter, "fund" refers to the family violence and victim assistance fund established by this chapter.

Sec. 3. The family violence and victim assistance fund is established.

Sec. 4. The purpose of the fund is to provide funding for domestic violence prevention and treatment, child abuse prevention, and victim and witness assistance programs.

Sec. 5. The division shall administer the fund.

Sec. 6. The sources of the fund include the following:

(1) Amounts deposited under IC 33-37-7-9.

(2) Amounts distributed from the state user fee fund under IC 33-37-9-4(a)(7).

Sec. 7. On June 30 and December 31 of each year, the treasurer of state shall transfer money from the fund as follows:

(1) Fifty-five percent (55%) of the balance on deposit in the fund or two hundred forty-five thousand dollars (\$245,000), whichever is greater, shall be deposited in the domestic violence prevention and treatment fund established under IC 5-2-6.7.

(2) The balance in the fund after the transfer of money under subdivision (1) shall be deposited as follows:

(A) One-third (1/3) shall be deposited in the Indiana kids first trust fund established by IC 31-26-4-12.

(B) Two-thirds (2/3) shall be deposited in the victim and witness assistance fund established by IC 5-2-6-14.

SECTION 6. IC 5-2-9-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.2.** As used in this chapter, "IDACS coordinator"

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means an administrative position within a law enforcement agency that has operational Indiana data and communication system (IDACS) terminals appointed by the director of the law enforcement agency.

SECTION 7. IC 5-2-9-1.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.4. As used in this chapter, "Indiana protective order registry" or "registry" means an Internet based registry of protective orders established under section 5.5 of this chapter and developed and maintained by the division of state court administration.

SECTION 8. IC 5-2-9-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.7. As used in this chapter, "protected person" means a person or an employer (as defined in IC 34-26-6-4) protected under a protective order, ~~a no contact order,~~ or ~~a workplace violence restraining order.~~

SECTION 9. IC 5-2-9-2.1, AS AMENDED BY P.L.52-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.1. (a) As used in this chapter, "protective order" means:

(1) a protective order issued under IC 34-26-5 (or, if the order involved a family or household member, IC 34-26-2-12(1)(A), IC 34-26-2-12(1)(B), IC 34-26-2-12(1)(C), IC 34-4-5.1-5(a)(1)(A), IC 34-4-5.1-5(a)(1)(B), or IC 34-4-5.1-5(a)(1)(C) before their repeal);

(2) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency protective order issued under IC 34-26-2-6(1), IC 34-26-2-6(2), or IC 34-26-2-6(3) or IC 34-4-5.1-2.3(a)(1)(A), IC 34-4-5.1-2.3(a)(1)(B), or IC 34-4-5.1-2.3(a)(1)(C) before their repeal);

(3) a protective order issued under IC 31-15-4-1 (or IC 31-1-11.5-7(b)(2), IC 31-1-11.5-7(b)(3), IC 31-16-4-2(a)(2), or IC 31-16-4-2(a)(3) before their repeal);

(4) a dispositional decree containing a no contact order issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-19-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order containing a no contact order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal);

(5) a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion;

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- (6) a no contact order issued as a condition of probation;
 (7) a protective order issued under IC 31-15-5-1 (or IC 31-1-11.5-8.2 or IC 31-16-5 before their repeal);
 (8) a protective order issued under IC 31-14-16-1 in a paternity action;
 (9) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding;
 (10) a workplace violence restraining order issued under IC 34-26-6; ~~or~~
 (11) a child protective order issued under IC 31-34-2.3; **or**
 (12) **a foreign protective order registered under IC 34-26-5-17.**

(b) Whenever a protective order ~~no contact order, workplace violence restraining order, or child protective order~~ is issued by an Indiana court, the Indiana court must caption the order in a manner that indicates the type of order issued and the section of the Indiana Code that authorizes the protective order. ~~no contact order, or workplace violence restraining order.~~ The Indiana court shall also place on the order the court's hours of operation and telephone number with area code.

SECTION 10. IC 5-2-9-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 5.5. (a) The Indiana protective order registry is established.**

(b) The registry is an electronic depository for protective orders. Copies of all protective orders shall be retained in the registry.

(c) The registry must contain confidential information about protected persons.

(d) The division of state court administration shall create, manage, and maintain the registry.

(e) A protective order retained under section 5 of this chapter may be entered in the registry.

SECTION 11. IC 5-2-9-6, AS AMENDED BY P.L.52-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 6. (a) The clerk of a court that issues a protective order ~~no contact order, workplace violence restraining order, or child protective order~~ shall:**

- (1) provide a copy of the order to the ~~following:~~ petitioner; and**
(1) Each party.
(2) ~~A law enforcement agency of the municipality in which the protected person resides. If a person and an employer are:~~

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(A) both protected by an order under this section; and

(B) domiciled in different municipalities;

the clerk shall send a copy of the order to the law enforcement agency of the municipality in which the person resides and the employer is located.

(3) If the protected person, including an employer, is not domiciled in a municipality, the sheriff of the county in which the protected person resides:

(2) provide a copy of the order and service of process to the respondent or defendant in accordance with the rules of trial procedure.

(b) The clerk of a court that issues a protective order ~~no contact order, workplace violence restraining order, or child protective order~~ or the clerk of a court in which a petition is filed shall

(1) maintain a confidential file to secure any confidential information about a protected person designated on a uniform statewide form prescribed by the division of state court administration.

(2) provide a copy of the confidential form that accompanies the protective order ~~no contact order, workplace violence restraining order, or child protective order~~ to the following:

(A) The sheriff of the county in which the protective order ~~no contact order, workplace violence restraining order, or child protective order~~ was issued;

(B) The law enforcement agency of the municipality, if any, in which the protected person, including an employer, is domiciled;

(C) Any other sheriff or law enforcement agency designated in the protective order ~~no contact order, workplace violence restraining order, or child protective order~~ that has jurisdiction over the area in which a protected person, including an employer, may be located or protected; and

(3) after receiving the return of service information, transmit all return of service information to each sheriff and law enforcement agency required under subdivision (2):

(c) A sheriff or law enforcement agency that receives **This subsection applies to** a protective order ~~no contact order, workplace violence restraining order, or child protective order~~ **that a sheriff or law enforcement agency received under subsection (a) before July 1, 2009, and a confidential form under subsection (b) that was not created in the registry. The sheriff or law enforcement agency shall:**

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(1) maintain a copy of the protective order ~~no contact order,~~
~~workplace violence restraining order,~~ or ~~child protective order~~ in
the depository established under this chapter;

(2) enter:

(A) the date and time the sheriff or law enforcement agency
receives the protective order; ~~no contact order,~~ ~~workplace~~
~~violence restraining order,~~ or ~~child protective order;~~

(B) the location of the person who is subject to the protective
order, ~~no contact order,~~ ~~workplace violence restraining order,~~
~~or child protective order,~~ if reasonably ascertainable from the
information received;

(C) the name and identification number of the officer who
serves the protective order; ~~no contact order,~~ ~~workplace~~
~~violence restraining order,~~ or ~~child protective order;~~

(D) the manner in which the protective order ~~no contact order,~~
~~workplace violence restraining order,~~ or ~~child protective order~~
is served;

(E) the name of the petitioner and any other protected parties;

(F) the name, Social Security number, date of birth, and
physical description of the person who is the subject of the
protective order, ~~no contact order,~~ ~~workplace violence~~
~~restraining order,~~ or ~~child protective order,~~ if reasonably
ascertainable from the information received;

(G) the date the protective order ~~no contact order,~~ ~~workplace~~
~~violence restraining order,~~ or ~~child protective order~~ expires;

(H) a caution indicator stating whether a person who is the
subject of the protective order ~~no contact order,~~ ~~r workplace~~
~~violence restraining order,~~ or ~~child protective order~~ is believed
to be armed and dangerous, if reasonably ascertainable from
the information received; and

(I) if furnished, a Brady record indicator stating whether a
person who is the subject of the protective order ~~no contact~~
~~order,~~ ~~workplace violence restraining order,~~ or ~~child protective~~
~~order~~ is prohibited from purchasing or possessing a firearm or
ammunition under federal law, if reasonably ascertainable
from the information received;

on the copy of the protective order ~~no contact order,~~ ~~workplace~~
~~violence restraining order,~~ or ~~child protective order~~ or the
confidential form; and

(3) **except for a protective order that is created in the registry,**
establish a confidential file in which a confidential form that
contains information concerning a protected person is kept.

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(d) **Except for a protective order that is created in the registry,** a protective order ~~no contact order, workplace violence restraining order, or child protective order~~ may be removed from the depository established under this chapter only if the sheriff or law enforcement agency that administers the depository receives:

- (1) a notice of termination on a form prescribed or approved by the division of state court administration;
- (2) an order of the court; or
- (3) a notice of termination and an order of the court.

(e) If a protective order ~~no contact order, workplace violence restraining order, or child protective order~~ in a depository established under this chapter is terminated, the person who obtained the order must file a notice of termination on a form prescribed or approved by the division of state court administration with the clerk of the court. The clerk of the court shall:

- (1) **enter the notice of termination into the registry; or**
- (2) provide a copy of the notice of termination of a protective order; ~~no contact order, workplace violence restraining order, or child protective order~~

to the registry and to each of the depositories to which the protective order ~~no contact order, workplace violence restraining order, or child protective order~~ and a confidential form ~~were~~ **was** sent. The clerk of the court shall maintain the notice of termination in the court's file.

(f) If a protective order ~~no contact order, workplace violence restraining order, or child protective order~~ or form in a depository established under this chapter is extended or modified, the person who obtained the extension or modification must file a notice of extension or modification on a form prescribed or approved by the division of state court administration with the clerk of the court. **Except for a protective order created in the registry,** the clerk of the court shall provide a copy of the notice of extension or modification of a protective order ~~no contact order, workplace violence restraining order, or child protective order~~ to each of the depositories to which the order and a confidential form were sent. The clerk of the court shall maintain the notice of extension or modification of a protective order ~~no contact order, workplace violence restraining order, or child protective order~~ in the court's file.

(g) The clerk of a court that issued an order terminating a protective order ~~no contact order, workplace violence restraining order, or child protective order~~ that is an ex parte order shall provide a copy of the order to the following:

- (1) Each party.

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(2) **Except for a protective order created in the registry**, the law enforcement agency provided with a copy of a protective order ~~no contact order, workplace violence restraining order, or child protective order~~ under subsection (a).

SECTION 12. IC 5-2-9-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 6.5. (a) After a court issues a protective order and issues the order to the registry, an IDACS coordinator may provide additional information about the parties in an order, including:**

- (1) dates of birth;
- (2) Social Security numbers;
- (3) driver license numbers; and
- (4) physical descriptions of the parties;

to ensure the accuracy of the orders in the registry and information in IDACS.

(b) A law enforcement agency that perfects service of a protective order issued to the registry shall enter into the registry:

- (1) the date and time the law enforcement agency received the protective order;
- (2) the location of the person who is the subject of the protective order, if this information is available;
- (3) the name and identification number of the law enforcement officer who serves the protective order; and
- (4) the manner that the protective order is served.

SECTION 13. IC 5-2-9-7, AS AMENDED BY P.L.52-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 7. (a) Any information:**

- (1) in a uniform statewide confidential form or any part of a confidential form prescribed by the division of state court administration that must be filed with a protective order; ~~no contact order, workplace violence restraining order, or child protective order~~; or
- (2) otherwise acquired concerning a protected person;

is confidential and may not be divulged to any respondent or defendant.

(b) Information described in subsection (a) may only be used by:

- (1) a court;
- (2) a sheriff;
- (3) another law enforcement agency;
- (4) a prosecuting attorney; or
- (5) a court clerk;

to comply with a law concerning the distribution of the information.

SECTION 14. IC 5-2-9-8, AS AMENDED BY P.L.52-2007,

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SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. **Except for a protective order that is created in the registry**, a law enforcement agency that receives a copy of a protective order ~~no contact order; workplace violence restraining order; or child protective order~~ shall enter the information received into the Indiana data and communication system (IDACS) computer under IC 10-13-3-35 upon receiving a copy of the order.

SECTION 15. IC 12-7-2-44, AS AMENDED BY P.L.93-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 44. "Council" means the following:

(1) For purposes of IC 12-9-4, the meaning set forth in IC 12-9-4-1.

(2) For purposes of IC 12-12-8, the meaning set forth in IC 12-12-8-2.5.

(3) For purposes of IC 12-13-4, the meaning set forth in IC 12-13-4-1.

(4) For purposes of IC 12-15-41 and IC 12-15-42, the Medicaid work incentives council established by IC 12-15-42-1.

(5) For purposes of IC 12-12.7-2, the meaning set forth in IC 12-12.7-2-2.

~~(6) For purposes of IC 12-18-3 and IC 12-18-4, the domestic violence prevention and treatment council established by IC 12-18-3-1.~~

~~(7)~~ (6) For purposes of IC 12-21-4, the meaning set forth in IC 12-21-4-1.

~~(8)~~ (7) For purposes of IC 12-28-5, the meaning set forth in IC 12-28-5-1.

SECTION 16. IC 12-7-2-91, AS AMENDED BY P.L.146-2008, SECTION 380, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 91. "Fund" means the following:

(1) For purposes of IC 12-12-1-9, the fund described in IC 12-12-1-9.

(2) For purposes of IC 12-15-20, the meaning set forth in IC 12-15-20-1.

(3) For purposes of IC 12-17-12, the meaning set forth in IC 12-17-12-4.

(4) For purposes of IC 12-17.6, the meaning set forth in IC 12-17.6-1-3.

~~(5) For purposes of IC 12-18-4, the meaning set forth in IC 12-18-4-1.~~

~~(6) For purposes of IC 12-18-5, the meaning set forth in IC 12-18-5-1.~~

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~~(7)~~ (5) For purposes of IC 12-23-2, the meaning set forth in IC 12-23-2-1.

~~(8)~~ (6) For purposes of IC 12-23-18, the meaning set forth in IC 12-23-18-4.

~~(9)~~ (7) For purposes of IC 12-24-6, the meaning set forth in IC 12-24-6-1.

~~(10)~~ (8) For purposes of IC 12-24-14, the meaning set forth in IC 12-24-14-1.

~~(11)~~ (9) For purposes of IC 12-30-7, the meaning set forth in IC 12-30-7-3.

SECTION 17. IC 12-13-5-2, AS AMENDED BY P.L.1-2007, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The division shall administer the following:

~~(1)~~ Any sexual offense services:

~~(2)~~ (1) A child development associate scholarship program.

~~(3)~~ (2) Any school age dependent care program.

~~(4)~~ (3) Migrant day care services.

~~(5)~~ (4) Prevention services to high risk youth.

~~(6)~~ (5) The migrant nutrition program.

~~(7)~~ (6) The home visitation and social services program.

~~(8)~~ (7) The educational consultants program.

~~(9)~~ (8) Community restitution or service programs.

~~(10)~~ (9) The crisis nursery program.

~~(11)~~ Domestic violence programs:

~~(12)~~ (10) Social services programs.

~~(13)~~ (11) The step ahead comprehensive early childhood grant program.

~~(14)~~ Assistance to victims of human and sexual trafficking offenses as provided in IC 35-42-3.5-4, as appropriate.

~~(15)~~ (12) Any other program:

(A) designated by the general assembly; or

(B) administered by the federal government under grants consistent with the duties of the division.

SECTION 18. IC 12-13-7-1, AS AMENDED BY P.L.181-2006, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. The division shall administer the following:

~~(1)~~ The domestic violence prevention and treatment fund under IC 12-18-4.

~~(2)~~ (1) The Child Care and Development Block Grant under 42 U.S.C. 9858 et seq.

~~(3)~~ (2) The federal Food Stamp Program under 7 U.S.C. 2011 et

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~~(4)~~ (3) Title IV-A of the federal Social Security Act.

~~(5)~~ (4) Any other funding source:

(A) designated by the general assembly; or

(B) available from the federal government under grants that are consistent with the duties of the division.

SECTION 19. IC 33-37-7-9, AS AMENDED BY P.L.122-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state nine million two hundred seventy-seven thousand twenty-three dollars (\$9,277,023) for distribution under subsection (b).

(b) On June 30 and on December 31 of each year, the treasurer of state shall deposit into:

(1) the family violence and victim assistance fund established by ~~IC 12-18-5-2~~ IC 5-2-6.8-3 an amount equal to eight and three-hundredths percent (8.03%);

(2) the Indiana judges' retirement fund established by IC 33-38-6-12 an amount equal to thirty-eight and fifty-five hundredths percent (38.55%);

(3) the law enforcement academy building fund established by IC 5-2-1-13 an amount equal to two and fifty-six hundredths percent (2.56%);

(4) the law enforcement training fund established by IC 5-2-1-13 an amount equal to ten and twenty-seven hundredths percent (10.27%);

(5) the violent crime victims compensation fund established by IC 5-2-6.1-40 an amount equal to eleven and ninety-three hundredths percent (11.93%);

(6) the motor vehicle highway account an amount equal to nineteen and forty-nine hundredths percent (19.49%);

(7) the fish and wildlife fund established by IC 14-22-3-2 an amount equal to twenty-five hundredths percent (0.25%);

(8) the Indiana judicial center drug and alcohol programs fund established by IC 12-23-14-17 for the administration, certification, and support of alcohol and drug services programs under IC 12-23-14 an amount equal to one and sixty-three hundredths percent (1.63%); and

(9) the DNA sample processing fund established under IC 10-13-6-9.5 for the funding of the collection, shipment, analysis, and preservation of DNA samples and the conduct of a DNA data base program under IC 10-13-6 an amount equal to

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seven and twenty-nine hundredths percent (7.29%);
of the amount transferred by the auditor of state under subsection (a).

(c) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state for deposit into the public defense fund established under IC 33-40-6-1:

(1) after June 30, 2004, and before July 1, 2005, one million seven hundred thousand dollars (\$1,700,000); and

(2) after June 30, 2005, two million seven hundred thousand dollars (\$2,700,000).

SECTION 20. IC 33-37-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The treasurer of state shall distribute semiannually one million two hundred eighty-eight thousand dollars (\$1,288,000) of the amounts transferred to the state fund under section 3 of this chapter as follows:

(1) Fourteen and ninety-eight hundredths percent (14.98%) shall be deposited into the alcohol and drug countermeasures fund established by IC 9-27-2-11.

(2) Eight and forty-two hundredths percent (8.42%) shall be deposited into the drug interdiction fund established by IC 10-11-7-1.

(3) Four and sixty-eight hundredths percent (4.68%) shall be deposited into the drug prosecution fund established by IC 33-39-8-6.

(4) Five and sixty-two hundredths percent (5.62%) shall be deposited into the corrections drug abuse fund established by IC 11-8-2-11.

(5) Twenty-two and forty-seven hundredths percent (22.47%) shall be deposited into the state drug free communities fund established by IC 5-2-10-2.

(6) Seven and ninety-eight hundredths percent (7.98%) shall be distributed to the Indiana department of transportation for use under IC 8-23-2-15.

(7) Twenty and thirty-two hundredths percent (20.32%) shall be deposited in the family violence and victim assistance fund established by ~~IC 12-18-5-2~~ **IC 5-2-6.8-3**.

(8) Fifteen and fifty-three hundredths percent (15.53%) shall be deposited in the Indiana safe schools fund established by IC 5-2-10.1.

(b) The treasurer of state shall distribute semiannually the amount remaining after the distributions are made under subsection (a) to the judicial technology and automation project fund established by IC 33-24-6-12.

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SECTION 21. IC 34-26-5-3, AS AMENDED BY P.L.3-2008,
SECTION 243, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The division of state court
administration shall:

(1) develop and adopt:

(A) a petition for an order for protection;

(B) an order for protection, including:

(i) orders issued under this chapter;

(ii) ex parte orders;

(iii) no contact orders under IC 31 and IC 35;

(iv) forms relating to workplace violence restraining orders
under IC 34-26-6; and

(v) forms relating to a child protective order under
IC 31-34-2.3;

(C) a confidential form;

(D) a notice of modification or extension for an order for
protection, a no contact order, a workplace violence restraining
order, or a child protective order;

(E) a notice of termination for an order for protection, a no
contact order, a workplace violence restraining order, or a
child protective order; and

(F) any other uniform statewide forms necessary to maintain
an accurate registry of orders; and

(2) provide the forms under subdivision (1) to the clerk of each
court authorized to issue the orders.

(b) In addition to any other required information, a petition for an
order for protection must contain a statement listing each civil or
criminal action involving:

(1) either party; or

(2) a child of either party.

(c) The following statements must be printed in boldface type or in
capital letters on an order for protection, a no contact order, a
workplace violence restraining order, or a child protective order:

**VIOLATION OF THIS ORDER IS PUNISHABLE BY
CONFINEMENT IN JAIL, PRISON, AND/OR A FINE.**

**IF SO ORDERED BY THE COURT, THE RESPONDENT IS
FORBIDDEN TO ENTER OR STAY AT THE PETITIONER'S
RESIDENCE OR RESIDENCE OF ANY CHILD WHO IS THE
SUBJECT OF THE ORDER, EVEN IF INVITED TO DO SO BY
THE PETITIONER OR ANY OTHER PERSON. IN NO EVENT
IS THE ORDER FOR PROTECTION VOIDED.**

PURSUANT TO 18 U.S.C. 2265, THIS ORDER FOR

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PROTECTION SHALL BE GIVEN FULL FAITH AND CREDIT IN ANY OTHER STATE OR TRIBAL LAND AND SHALL BE ENFORCED AS IF IT WERE AN ORDER ISSUED IN THAT STATE OR TRIBAL LAND. PURSUANT TO 18 U.S.C. 922(g), ONCE A RESPONDENT HAS RECEIVED NOTICE OF THIS ORDER AND AN OPPORTUNITY TO BE HEARD, IT IS A FEDERAL VIOLATION TO PURCHASE, RECEIVE, OR POSSESS A FIREARM WHILE SUBJECT TO THIS ORDER IF THE PROTECTED PERSON IS:

(A) THE RESPONDENT'S CURRENT OR FORMER SPOUSE;

(B) A CURRENT OR FORMER PERSON WITH WHOM THE RESPONDENT RESIDED WHILE IN AN INTIMATE RELATIONSHIP; OR

(C) A PERSON WITH WHOM THE RESPONDENT HAS A CHILD.

INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT THE RESPONDENT TO FEDERAL CRIMINAL PENALTIES UNDER 18 U.S.C. 2261 AND 18 U.S.C. 2262.

(d) The clerk of the circuit court, or a person or entity designated by the clerk of the circuit court, shall provide to a person requesting an order for protection:

(1) the forms adopted under subsection (a);

(2) all other forms required to petition for an order for protection, including forms:

(A) necessary for service; and

(B) required under IC 31-21 (or IC 31-17-3 before its repeal); and

(3) clerical assistance in reading or completing the forms and filing the petition.

Clerical assistance provided by the clerk or court personnel under this section does not constitute the practice of law. The clerk of the circuit court may enter into a contract with a person or another entity to provide this assistance. A person, other than a person or other entity with whom the clerk has entered into a contract to provide assistance, who in good faith performs the duties the person is required to perform under this subsection is not liable for civil damages that might otherwise be imposed on the person as a result of the performance of those duties unless the person commits an act or omission that amounts to gross negligence or willful and wanton misconduct.

(e) A petition for an order for protection must be:

(1) verified or under oath under Trial Rule 11; and

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(2) issued on the forms adopted under subsection (a).

(f) If an order for protection is issued under this chapter, the clerk shall comply with IC 5-2-9.

(g) After receiving a petition for an order for protection, the clerk of the circuit court shall immediately enter the case in the Indiana protective order registry established by IC 5-2-9-5.5.

SECTION 22. IC 34-26-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. If a petitioner seeks:

- (1) an order for protection;
- (2) an extension of an order for protection;
- (3) a modification of an order for protection; ~~or~~
- (4) the termination of an order for protection; ~~or~~

(5) the registration of a foreign protective order;

the petitioner is responsible for completing the forms prescribed by the division of state court administration and for transmitting those forms to the clerk of the court.

SECTION 23. IC 34-26-5-9, AS AMENDED BY P.L.68-2005, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) If it appears from a petition for an order for protection or from a petition to modify an order for protection that domestic or family violence has occurred or that a modification of an order for protection is required, a court may:

- (1) without notice or hearing, immediately issue an order for protection ex parte or modify an order for protection ex parte; or
- (2) upon notice and after a hearing, whether or not a respondent appears, issue or modify an order for protection.

(b) A court may grant the following relief without notice and hearing in an ex parte order for protection or in an ex parte order for protection modification:

- (1) Enjoin a respondent from threatening to commit or committing acts of domestic or family violence against a petitioner and each designated family or household member.
- (2) Prohibit a respondent from harassing, annoying, telephoning, contacting, or directly or indirectly communicating with a petitioner.
- (3) Remove and exclude a respondent from the residence of a petitioner, regardless of ownership of the residence.
- (4) Order a respondent to stay away from the residence, school, or place of employment of a petitioner or a specified place frequented by a petitioner and each designated family or household member.
- (5) Order possession and use of the residence, an automobile, and

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other essential personal effects, regardless of the ownership of the residence, automobile, and essential personal effects. If possession is ordered under this subdivision, the court may direct a law enforcement officer to accompany a petitioner to the residence of the parties to:

(A) ensure that a petitioner is safely restored to possession of the residence, automobile, and other essential personal effects; or

(B) supervise a petitioner's or respondent's removal of personal belongings.

(6) Order other relief necessary to provide for the safety and welfare of a petitioner and each designated family or household member.

(c) A court may grant the following relief after notice and a hearing, whether or not a respondent appears, in an order for protection or in a modification of an order for protection:

(1) Grant the relief under subsection (b).

(2) Specify arrangements for parenting time of a minor child by a respondent and:

(A) require supervision by a third party; or

(B) deny parenting time;

if necessary to protect the safety of a petitioner or child.

(3) Order a respondent to:

(A) pay attorney's fees;

(B) pay rent or make payment on a mortgage on a petitioner's residence;

(C) if the respondent is found to have a duty of support, pay for the support of a petitioner and each minor child;

(D) reimburse a petitioner or other person for expenses related to the domestic or family violence, including:

(i) medical expenses;

(ii) counseling;

(iii) shelter; and

(iv) repair or replacement of damaged property; or

(E) pay the costs and fees incurred by a petitioner in bringing the action.

(4) Prohibit a respondent from using or possessing a firearm, ammunition, or a deadly weapon specified by the court, and direct the respondent to surrender to a specified law enforcement agency the firearm, ammunition, or deadly weapon for the duration of the order for protection unless another date is ordered by the court.

An order issued under subdivision (4) does not apply to a person who

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1 is exempt under 18 U.S.C. 925.

2 (d) The court shall:

3 (1) cause the order for protection to be delivered to the county
4 sheriff for service;

5 (2) make reasonable efforts to ensure that the order for protection
6 is understood by a petitioner and a respondent if present;

7 ~~(3) transmit, by the end of the same business day on which the~~
8 ~~order for protection is issued, a copy of the order for protection to~~
9 ~~each local law enforcement agency designated by a petitioner;~~

10 **(3) electronically notify each law enforcement agency:**

11 **(A) required to receive notification under IC 5-2-9-6; or**

12 **(B) designated by the petitioner;**

13 (4) transmit a copy of the order to the clerk for processing under
14 IC 5-2-9; and

15 ~~(5) notify the state police department of indicate in the order if~~
16 ~~the order and the parties meet the criteria under 18 U.S.C.~~
17 ~~922(g)(8); and~~

18 **(6) require the clerk of court to enter or provide a copy of the**
19 **order to the Indiana protective order registry established by**
20 **IC 5-2-9-5.5.**

21 (e) An order for protection issued ex parte or upon notice and a
22 hearing, or a modification of an order for protection issued ex parte or
23 upon notice and a hearing, is effective for two (2) years after the date
24 of issuance unless another date is ordered by the court. The sheriff of
25 each county shall provide expedited service for an order for protection.

26 (f) A finding that domestic or family violence has occurred
27 sufficient to justify the issuance of an order under this section means
28 that a respondent represents a credible threat to the safety of a
29 petitioner or a member of a petitioner's household. Upon a showing of
30 domestic or family violence by a preponderance of the evidence, the
31 court shall grant relief necessary to bring about a cessation of the
32 violence or the threat of violence. The relief may include an order
33 directing a respondent to surrender to a law enforcement officer or
34 agency all firearms, ammunition, and deadly weapons:

35 (1) in the control, ownership, or possession of a respondent; or

36 (2) in the control or possession of another person on behalf of a
37 respondent;

38 for the duration of the order for protection unless another date is
39 ordered by the court.

40 (g) An order for custody, parenting time, or possession or control of
41 property issued under this chapter is superseded by an order issued
42 from a court exercising dissolution, legal separation, paternity, or

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guardianship jurisdiction over the parties.

(h) The fact that an order for protection is issued under this chapter does not raise an inference or presumption in a subsequent case or hearings between the parties.

SECTION 24. IC 34-26-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) A foreign protection order is facially valid if it:

- (1) identifies the protected person and the respondent;
- (2) is currently in effect;
- (3) was issued by a state or tribal court with jurisdiction over the:
 - (A) parties; and
 - (B) subject matter;
 under the law of the issuing state or Indian tribe; and
- (4) was issued after a respondent was given reasonable notice and an opportunity to be heard sufficient to protect the respondent's right to due process. In the case of an ex parte order, notice and opportunity to be heard must be provided within the time required by state or tribal law and within a reasonable time after the order is issued sufficient to protect the respondent's due process rights.

(b) A facially valid foreign protection order is prima facie evidence of its validity. The protection order may be inscribed on a tangible medium or stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of an order for protection is not required for enforcement.

(c) Except as provided in subsection (d), a protection order that is facially valid and issued by a court of a state (issuing state) or Indian tribe shall be accorded full faith and credit by Indiana courts.

(d) A mutual foreign protection order is not entitled to full faith and credit if the order is issued by a state or tribal court against a person who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against a family or household member, unless:

- (1) a separate petition or motion was filed by a respondent;
- (2) the issuing court has reviewed each motion separately and granted or denied each on its individual merits; and
- (3) separate orders were issued and the issuing court made specific findings that each party was entitled to an order.

(e) Registration or filing of a foreign protection order is not a prerequisite to enforcement of the order in Indiana, and a protection order that is consistent with this section shall be accorded full faith and credit notwithstanding a failure to register or file the order in Indiana. However, if a petitioner wishes to register a foreign protection order in Indiana, all Indiana courts of record shall accommodate the request.

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The division of state court administration shall develop a form to be used by courts, clerks, and law enforcement agencies when a petitioner makes a request to register a foreign protection order. **Except for a protective order issued to the Indiana protective order registry established by IC 5-2-9-5.5**, the courts, clerks of the courts, and sheriffs or law enforcement agencies maintaining depositories shall employ the same procedures required under IC 5-2-9-6 for entering, modifying, extending, or terminating a foreign protection order as those used for a protection order and a no contact order originating in Indiana.

(f) A facially valid foreign protection order shall be enforced by a law enforcement officer and a state court as if it were an order originating in Indiana. The order must be enforced if the foreign protection order contains relief that the state courts lack the power to provide in an order for protection issued in Indiana.

(g) An Indiana law enforcement officer:

(1) may not require notification, registration, or filing of a facially valid foreign order for protection as a prerequisite to enforcement of an order;

(2) if a foreign protection order is not presented, may consider other information to determine under a totality of the circumstances whether there is probable cause to believe that a valid foreign order for protection exists; and

(3) who determines that an otherwise valid foreign protection order cannot be enforced because a respondent has not been notified or served with the order, shall:

(A) inform the respondent of the order;

(B) serve the order on the respondent;

(C) ensure that the order and service of the order are entered into the state depository;

(D) allow the respondent a reasonable opportunity to comply with the order before enforcing the order; and

(E) ensure the safety of the protected person while giving the respondent the opportunity to comply with the order.

(h) After a foreign protective order is registered, the clerk shall enter the order in the Indiana protective order registry established by IC 5-2-9-5.5.

SECTION 25. IC 34-26-5-18, AS AMENDED BY P.L.52-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. The following orders are required to be entered into the Indiana data and communication system (IDACS) by a county sheriff or local law enforcement agency:

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- (1) A no contact order issued under IC 31-32-13 in a juvenile case.
- (2) A no contact order issued under IC 31-34-20 in a child in need of services (CHINS) case.
- (3) A no contact order issued under IC 31-34-25 in a CHINS case.
- (4) A no contact order issued under IC 31-37-19 in a delinquency case.
- (5) A no contact order issued under IC 31-37-25 in a delinquency case.
- (6) A no contact order issued under IC 33-39-1-8 in a criminal case.
- (7) An order for protection issued under this chapter.
- (8) A workplace violence restraining order issued under IC 34-26-6.
- (9) A no contact order issued under IC 35-33-8-3.2 in a criminal case.
- (10) A no contact order issued under IC 35-38-2-2.3 in a criminal case.
- (11) A child protective order issued under IC 31-34-2.3.
- (12) A foreign protective order registered under IC 34-26-5-17.**

SECTION 26. IC 35-42-3.5-4, AS ADDED BY P.L.173-2006, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) An alleged victim of an offense under section 1 of this chapter:

- (1) may not be detained in a facility that is inappropriate to the victim's status as a crime victim;
- (2) may not be jailed, fined, or otherwise penalized due to having been the victim of the offense; and
- (3) shall be provided protection if the victim's safety is at risk or if there is danger of additional harm by recapture of the victim by the person who allegedly committed the offense, including:
 - (A) taking measures to protect the alleged victim and the victim's family members from intimidation and threats of reprisals and reprisals from the person who allegedly committed the offense or the person's agent; and
 - (B) ensuring that the names and identifying information of the alleged victim and the victim's family members are not disclosed to the public.

This subsection shall be administered by law enforcement agencies and the division of family resources, **Indiana criminal justice institute** as appropriate.

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(b) Not more than fifteen (15) days after the date a law enforcement agency first encounters an alleged victim of an offense under section 1 of this chapter, the law enforcement agency shall provide the alleged victim with a completed Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (LEA Declaration, Form I-914 Supplement B) in accordance with 8 CFR 214.11(f)(1). However, if the law enforcement agency finds that the grant of an LEA Declaration is not appropriate for the alleged victim, the law enforcement agency shall, not more than fifteen (15) days after the date the agency makes the finding, provide the alleged victim with a letter explaining the grounds for the denial of the LEA Declaration. After receiving a denial letter, the alleged victim may submit additional evidence to the law enforcement agency. If the alleged victim submits additional evidence, the law enforcement agency shall reconsider the denial of the LEA Declaration not more than seven (7) days after the date the agency receives the additional evidence.

SECTION 27. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 12-7-2-70; IC 12-18-3; IC 12-18-4; IC 12-18-5.

SECTION 28. [EFFECTIVE JUNE 30, 2009] (a) **On June 30, 2009, the balance of the domestic violence prevention and treatment fund established under IC 12-18-4, before its repeal by this act, shall be transferred to the domestic violence prevention and treatment fund established by IC 5-2-6.7-4, as added by this act.**

(b) **This SECTION expires January 1, 2010.**

SECTION 29. [EFFECTIVE JUNE 30, 2009] (a) **On June 30, 2009, the balance of the family violence and victim assistance fund established under IC 12-18-5, before its repeal by this act, shall be transferred to the family violence and victim assistance fund established by IC 5-2-6.8-3, as added by this act.**

(b) **This SECTION expires January 1, 2010.**

SECTION 30. [EFFECTIVE JUNE 30, 2009] (a) **On June 30, 2009, two (2) positions are created in the Indiana criminal justice institute. Employees filling the two (2) positions shall have the responsibility of administering:**

- (1) sexual offense services;
- (2) domestic violence programs; and
- (3) assistance to victims of human and sexual trafficking offenses as provided in IC 35-42-3.5-4, as amended by this act.

(b) **If a position is filled by a current state employee, the employee is entitled to:**

- (1) **have the employee's service before June 30, 2009, recognized for the purposes of computing retention points**

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- 1 under IC 4-15-2-32 if a layoff occurs; and
- 2 (2) all other applicable employee benefits.
- 3 (c) This SECTION expires July 1, 2011.

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 345, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 40, delete "eleven (11)" and insert "**twelve (12)**".

Page 4, between lines 17 and 18, begin a new line block indented and insert:

"(12) A member recommended by the Latino Coalition Against Domestic and Sexual Violence."

Page 12, after line 37, begin a new paragraph and insert:

"SECTION 16. [EFFECTIVE JUNE 30, 2009] (a) On June 30, 2009, two (2) positions are created in the Indiana criminal justice institute. Employees filling the two (2) positions shall have the responsibility of administering:

- (1) sexual offense services;**
- (2) domestic violence programs; and**
- (3) assistance to victims of human and sexual trafficking offenses as provided in IC 35-42-3.5-4, as amended by this act.**

(b) If a position is filled by a current state employee, the employee is entitled to:

- (1) have the employee's' service before June 30, 2009, recognized for the purposes of computing retention points under IC 4-15-2-32 if a layoff occurs; and**
- (2) all other applicable employee benefits."**

and when so amended that said bill do pass.

(Reference is to SB 345 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 345, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 40, delete "twelve (12)" and insert "**thirteen (13)**".

Page 4, between lines 19 and 20, begin a new line block indented

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and insert:

"(13) A member recommended by the public defender council of Indiana."

Page 13, line 8, delete "employee's" and insert **"employee's"**.

Page 13, after line 11, begin a new paragraph and insert:

"(c) This SECTION expires July 1, 2011."

and when so amended that said bill do pass.

(Reference is to SB 345 as printed February 20, 2009.)

LAWSON L, Chair

Committee Vote: yeas 7, nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 345, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

PELATH, Chair

Committee Vote: yeas 17, nays 0.

HOUSE MOTION

Mr. Speaker: I move that Senate Bill 345 be amended to read as follows:

Page 7, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 6. IC 5-2-9-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.2. As used in this chapter, "IDACS coordinator" means an administrative position within a law enforcement agency that has operational Indiana data and communication system (IDACS) terminals appointed by the director of the law enforcement agency.

SECTION 7. IC 5-2-9-1.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.4. As used in this chapter, "Indiana protective order registry" or "registry" means an Internet based registry of

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protective orders established under section 5.5 of this chapter and developed and maintained by the division of state court administration.

SECTION 8. IC 5-2-9-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.7. As used in this chapter, "protected person" means a person or an employer (as defined in IC 34-26-6-4) protected under a protective order. ~~a no contact order, or a workplace violence restraining order.~~

SECTION 9. IC 5-2-9-2.1, AS AMENDED BY P.L.52-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.1. (a) As used in this chapter, "protective order" means:

- (1) a protective order issued under IC 34-26-5 (or, if the order involved a family or household member, IC 34-26-2-12(1)(A), IC 34-26-2-12(1)(B), IC 34-26-2-12(1)(C), IC 34-4-5.1-5(a)(1)(A), IC 34-4-5.1-5(a)(1)(B), or IC 34-4-5.1-5(a)(1)(C) before their repeal);
- (2) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency protective order issued under IC 34-26-2-6(1), IC 34-26-2-6(2), or IC 34-26-2-6(3) or IC 34-4-5.1-2.3(a)(1)(A), IC 34-4-5.1-2.3(a)(1)(B), or IC 34-4-5.1-2.3(a)(1)(C) before their repeal);
- (3) a protective order issued under IC 31-15-4-1 (or IC 31-1-11.5-7(b)(2), IC 31-1-11.5-7(b)(3), IC 31-16-4-2(a)(2), or IC 31-16-4-2(a)(3) before their repeal);
- (4) a dispositional decree containing a no contact order issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-19-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order containing a no contact order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal);
- (5) a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion;
- (6) a no contact order issued as a condition of probation;
- (7) a protective order issued under IC 31-15-5-1 (or IC 31-1-11.5-8.2 or IC 31-16-5 before their repeal);
- (8) a protective order issued under IC 31-14-16-1 in a paternity action;
- (9) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding;

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(10) a workplace violence restraining order issued under IC 34-26-6; ~~or~~

(11) a child protective order issued under IC 31-34-2.3; ~~or~~

(12) a foreign protective order registered under IC 34-26-5-17.

(b) Whenever a protective order ~~no contact order, workplace violence restraining order, or child protective order~~ is issued by an Indiana court, the Indiana court must caption the order in a manner that indicates the type of order issued and the section of the Indiana Code that authorizes the protective order. ~~no contact order, or workplace violence restraining order.~~ The Indiana court shall also place on the order the court's hours of operation and telephone number with area code.

SECTION 10. IC 5-2-9-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 5.5. (a) The Indiana protective order registry is established.**

(b) The registry is an electronic depository for protective orders. Copies of all protective orders shall be retained in the registry.

(c) The registry must contain confidential information about protected persons.

(d) The division of state court administration shall create, manage, and maintain the registry.

(e) A protective order retained under section 5 of this chapter may be entered in the registry.

SECTION 11. IC 5-2-9-6, AS AMENDED BY P.L.52-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 6. (a) The clerk of a court that issues a protective order ~~no contact order, workplace violence restraining order, or child protective order~~ shall:**

(1) provide a copy of the order to the ~~following:~~ petitioner; and

(1) Each party.

(2) A law enforcement agency of the municipality in which the protected person resides. If a person and an employer are:

(A) both protected by an order under this section; and

(B) domiciled in different municipalities;

the clerk shall send a copy of the order to the law enforcement agency of the municipality in which the person resides and the employer is located.

(3) If the protected person, including an employer, is not domiciled in a municipality, the sheriff of the county in which the protected person resides.

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(2) provide a copy of the order and service of process to the respondent or defendant in accordance with the rules of trial procedure.

(b) The clerk of a court that issues a protective order ~~no contact order, workplace violence restraining order, or child protective order~~ or the clerk of a court in which a petition is filed shall

(1) maintain a confidential file to secure any confidential information about a protected person designated on a uniform statewide form prescribed by the division of state court administration.

(2) provide a copy of the confidential form that accompanies the protective order ~~no contact order, workplace violence restraining order, or child protective order~~ to the following:

(A) The sheriff of the county in which the protective order ~~no contact order, workplace violence restraining order, or child protective order~~ was issued;

(B) The law enforcement agency of the municipality, if any, in which the protected person, including an employer, is domiciled;

(C) Any other sheriff or law enforcement agency designated in the protective order ~~no contact order, workplace violence restraining order, or child protective order~~ that has jurisdiction over the area in which a protected person, including an employer, may be located or protected; and

(3) after receiving the return of service information, transmit all return of service information to each sheriff and law enforcement agency required under subdivision (2).

(c) ~~A sheriff or law enforcement agency that receives This subsection applies to a protective order ~~no contact order, workplace violence restraining order, or child protective order~~ that a sheriff or law enforcement agency received under subsection (a) before July 1, 2009, and a confidential form under subsection (b) that was not created in the registry. The sheriff or law enforcement agency shall:~~

(1) maintain a copy of the protective order ~~no contact order, workplace violence restraining order, or child protective order~~ in the depository established under this chapter;

(2) enter:

(A) the date and time the sheriff or law enforcement agency receives the protective order; ~~no contact order, workplace violence restraining order, or child protective order;~~

(B) the location of the person who is subject to the protective

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order, ~~no contact order, workplace violence restraining order, or child protective order~~; if reasonably ascertainable from the information received;

(C) the name and identification number of the officer who serves the protective order; ~~no contact order, workplace violence restraining order, or child protective order~~;

(D) the manner in which the protective order ~~no contact order, workplace violence restraining order, or child protective order~~ is served;

(E) the name of the petitioner and any other protected parties;

(F) the name, Social Security number, date of birth, and physical description of the person who is the subject of the protective order, ~~no contact order, workplace violence restraining order, or child protective order~~; if reasonably ascertainable from the information received;

(G) the date the protective order ~~no contact order, workplace violence restraining order, or child protective order~~ expires;

(H) a caution indicator stating whether a person who is the subject of the protective order ~~no contact order, r workplace violence restraining order, or child protective order~~ is believed to be armed and dangerous, if reasonably ascertainable from the information received; and

(I) if furnished, a Brady record indicator stating whether a person who is the subject of the protective order ~~no contact order, workplace violence restraining order, or child protective order~~ is prohibited from purchasing or possessing a firearm or ammunition under federal law, if reasonably ascertainable from the information received;

on the copy of the protective order ~~no contact order, workplace violence restraining order, or child protective order~~ or the confidential form; and

(3) **except for a protective order that is created in the registry**, establish a confidential file in which a confidential form that contains information concerning a protected person is kept.

(d) **Except for a protective order that is created in the registry**, a protective order ~~no contact order, workplace violence restraining order, or child protective order~~ may be removed from the depository established under this chapter only if the sheriff or law enforcement agency that administers the depository receives:

(1) a notice of termination on a form prescribed or approved by the division of state court administration;

(2) an order of the court; or

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(3) a notice of termination and an order of the court.

(e) If a protective order ~~no contact order, workplace violence restraining order, or child protective order~~ in a depository established under this chapter is terminated, the person who obtained the order must file a notice of termination on a form prescribed or approved by the division of state court administration with the clerk of the court. The clerk of the court shall:

- (1) **enter the notice of termination into the registry; or**
- (2) provide a copy of the notice of termination of a protective order; ~~no contact order, workplace violence restraining order, or child protective order~~

to **the registry and to** each of the depositories to which the protective order ~~no contact order, workplace violence restraining order, or child protective order~~ and a confidential form ~~were~~ **was** sent. The clerk of the court shall maintain the notice of termination in the court's file.

(f) If a protective order ~~no contact order, workplace violence restraining order, or child protective order~~ or form in a depository established under this chapter is extended or modified, the person who obtained the extension or modification must file a notice of extension or modification on a form prescribed or approved by the division of state court administration with the clerk of the court. **Except for a protective order created in the registry,** the clerk of the court shall provide a copy of the notice of extension or modification of a protective order ~~no contact order, workplace violence restraining order, or child protective order~~ to each of the depositories to which the order and a confidential form were sent. The clerk of the court shall maintain the notice of extension or modification of a protective order ~~no contact order, workplace violence restraining order, or child protective order~~ in the court's file.

(g) The clerk of a court that issued an order terminating a protective order ~~no contact order, workplace violence restraining order, or child protective order~~ that is an ex parte order shall provide a copy of the order to the following:

- (1) Each party.
- (2) **Except for a protective order created in the registry,** the law enforcement agency provided with a copy of a protective order ~~no contact order, workplace violence restraining order, or child protective order~~ under subsection (a).

SECTION 12. IC 5-2-9-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 6.5. (a) After a court issues a protective order and issues the order to the registry, an IDACS coordinator may provide**

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additional information about the parties in an order, including:

- (1) dates of birth;
- (2) Social Security numbers;
- (3) driver license numbers; and
- (4) physical descriptions of the parties;

to ensure the accuracy of the orders in the registry and information in IDACS.

(b) A law enforcement agency that perfects service of a protective order issued to the registry shall enter into the registry:

- (1) the date and time the law enforcement agency received the protective order;
- (2) the location of the person who is the subject of the protective order, if this information is available;
- (3) the name and identification number of the law enforcement officer who serves the protective order; and
- (4) the manner that the protective order is served.

SECTION 13. IC 5-2-9-7, AS AMENDED BY P.L.52-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) Any information:

- (1) in a uniform statewide confidential form or any part of a confidential form prescribed by the division of state court administration that must be filed with a protective order; ~~no contact order; workplace violence restraining order; or child protective order;~~ or
- (2) otherwise acquired concerning a protected person;

is confidential and may not be divulged to any respondent or defendant.

(b) Information described in subsection (a) may only be used by:

- (1) a court;
- (2) a sheriff;
- (3) another law enforcement agency;
- (4) a prosecuting attorney; or
- (5) a court clerk;

to comply with a law concerning the distribution of the information.

SECTION 14. IC 5-2-9-8, AS AMENDED BY P.L.52-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. **Except for a protective order that is created in the registry,** a law enforcement agency that receives a copy of a protective order ~~no contact order; workplace violence restraining order; or child protective order~~ shall enter the information received into the Indiana data and communication system (IDACS) computer under IC 10-13-3-35 upon receiving a copy of the order."

Page 11, between line 32 and 33, begin a new paragraph and insert:

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"SECTION 21. IC 34-26-5-3, AS AMENDED BY P.L.3-2008, SECTION 243, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The division of state court administration shall:

(1) develop and adopt:

- (A) a petition for an order for protection;
 - (B) an order for protection, including:
 - (i) orders issued under this chapter;
 - (ii) ex parte orders;
 - (iii) no contact orders under IC 31 and IC 35;
 - (iv) forms relating to workplace violence restraining orders under IC 34-26-6; and
 - (v) forms relating to a child protective order under IC 31-34-2.3;
 - (C) a confidential form;
 - (D) a notice of modification or extension for an order for protection, a no contact order, a workplace violence restraining order, or a child protective order;
 - (E) a notice of termination for an order for protection, a no contact order, a workplace violence restraining order, or a child protective order; and
 - (F) any other uniform statewide forms necessary to maintain an accurate registry of orders; and
- (2) provide the forms under subdivision (1) to the clerk of each court authorized to issue the orders.

(b) In addition to any other required information, a petition for an order for protection must contain a statement listing each civil or criminal action involving:

- (1) either party; or
- (2) a child of either party.

(c) The following statements must be printed in boldface type or in capital letters on an order for protection, a no contact order, a workplace violence restraining order, or a child protective order:

VIOLATION OF THIS ORDER IS PUNISHABLE BY CONFINEMENT IN JAIL, PRISON, AND/OR A FINE.
IF SO ORDERED BY THE COURT, THE RESPONDENT IS FORBIDDEN TO ENTER OR STAY AT THE PETITIONER'S RESIDENCE OR RESIDENCE OF ANY CHILD WHO IS THE SUBJECT OF THE ORDER, EVEN IF INVITED TO DO SO BY THE PETITIONER OR ANY OTHER PERSON. IN NO EVENT IS THE ORDER FOR PROTECTION VOIDED.
PURSUANT TO 18 U.S.C. 2265, THIS ORDER FOR

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PROTECTION SHALL BE GIVEN FULL FAITH AND CREDIT IN ANY OTHER STATE OR TRIBAL LAND AND SHALL BE ENFORCED AS IF IT WERE AN ORDER ISSUED IN THAT STATE OR TRIBAL LAND. PURSUANT TO 18 U.S.C. 922(g), ONCE A RESPONDENT HAS RECEIVED NOTICE OF THIS ORDER AND AN OPPORTUNITY TO BE HEARD, IT IS A FEDERAL VIOLATION TO PURCHASE, RECEIVE, OR POSSESS A FIREARM WHILE SUBJECT TO THIS ORDER IF THE PROTECTED PERSON IS:

- (A) THE RESPONDENT'S CURRENT OR FORMER SPOUSE;
- (B) A CURRENT OR FORMER PERSON WITH WHOM THE RESPONDENT RESIDED WHILE IN AN INTIMATE RELATIONSHIP; OR
- (C) A PERSON WITH WHOM THE RESPONDENT HAS A CHILD.

INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT THE RESPONDENT TO FEDERAL CRIMINAL PENALTIES UNDER 18 U.S.C. 2261 AND 18 U.S.C. 2262.

(d) The clerk of the circuit court, or a person or entity designated by the clerk of the circuit court, shall provide to a person requesting an order for protection:

- (1) the forms adopted under subsection (a);
- (2) all other forms required to petition for an order for protection, including forms:
 - (A) necessary for service; and
 - (B) required under IC 31-21 (or IC 31-17-3 before its repeal); and
- (3) clerical assistance in reading or completing the forms and filing the petition.

Clerical assistance provided by the clerk or court personnel under this section does not constitute the practice of law. The clerk of the circuit court may enter into a contract with a person or another entity to provide this assistance. A person, other than a person or other entity with whom the clerk has entered into a contract to provide assistance, who in good faith performs the duties the person is required to perform under this subsection is not liable for civil damages that might otherwise be imposed on the person as a result of the performance of those duties unless the person commits an act or omission that amounts to gross negligence or willful and wanton misconduct.

(e) A petition for an order for protection must be:

- (1) verified or under oath under Trial Rule 11; and

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(2) issued on the forms adopted under subsection (a).

(f) If an order for protection is issued under this chapter, the clerk shall comply with IC 5-2-9.

(g) After receiving a petition for an order for protection, the clerk of the circuit court shall immediately enter the case in the Indiana protective order registry established by IC 5-2-9-5.5.

SECTION 22. IC 34-26-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. If a petitioner seeks:

- (1) an order for protection;
- (2) an extension of an order for protection;
- (3) a modification of an order for protection; ~~or~~
- (4) the termination of an order for protection; ~~or~~

(5) the registration of a foreign protective order;

the petitioner is responsible for completing the forms prescribed by the division of state court administration and for transmitting those forms to the clerk of the court.

SECTION 23. IC 34-26-5-9, AS AMENDED BY P.L.68-2005, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) If it appears from a petition for an order for protection or from a petition to modify an order for protection that domestic or family violence has occurred or that a modification of an order for protection is required, a court may:

- (1) without notice or hearing, immediately issue an order for protection ex parte or modify an order for protection ex parte; or
- (2) upon notice and after a hearing, whether or not a respondent appears, issue or modify an order for protection.

(b) A court may grant the following relief without notice and hearing in an ex parte order for protection or in an ex parte order for protection modification:

- (1) Enjoin a respondent from threatening to commit or committing acts of domestic or family violence against a petitioner and each designated family or household member.
- (2) Prohibit a respondent from harassing, annoying, telephoning, contacting, or directly or indirectly communicating with a petitioner.
- (3) Remove and exclude a respondent from the residence of a petitioner, regardless of ownership of the residence.
- (4) Order a respondent to stay away from the residence, school, or place of employment of a petitioner or a specified place frequented by a petitioner and each designated family or household member.
- (5) Order possession and use of the residence, an automobile, and

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other essential personal effects, regardless of the ownership of the residence, automobile, and essential personal effects. If possession is ordered under this subdivision, the court may direct a law enforcement officer to accompany a petitioner to the residence of the parties to:

(A) ensure that a petitioner is safely restored to possession of the residence, automobile, and other essential personal effects; or

(B) supervise a petitioner's or respondent's removal of personal belongings.

(6) Order other relief necessary to provide for the safety and welfare of a petitioner and each designated family or household member.

(c) A court may grant the following relief after notice and a hearing, whether or not a respondent appears, in an order for protection or in a modification of an order for protection:

(1) Grant the relief under subsection (b).

(2) Specify arrangements for parenting time of a minor child by a respondent and:

(A) require supervision by a third party; or

(B) deny parenting time;

if necessary to protect the safety of a petitioner or child.

(3) Order a respondent to:

(A) pay attorney's fees;

(B) pay rent or make payment on a mortgage on a petitioner's residence;

(C) if the respondent is found to have a duty of support, pay for the support of a petitioner and each minor child;

(D) reimburse a petitioner or other person for expenses related to the domestic or family violence, including:

(i) medical expenses;

(ii) counseling;

(iii) shelter; and

(iv) repair or replacement of damaged property; or

(E) pay the costs and fees incurred by a petitioner in bringing the action.

(4) Prohibit a respondent from using or possessing a firearm, ammunition, or a deadly weapon specified by the court, and direct the respondent to surrender to a specified law enforcement agency the firearm, ammunition, or deadly weapon for the duration of the order for protection unless another date is ordered by the court.

An order issued under subdivision (4) does not apply to a person who

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is exempt under 18 U.S.C. 925.

(d) The court shall:

- (1) cause the order for protection to be delivered to the county sheriff for service;
- (2) make reasonable efforts to ensure that the order for protection is understood by a petitioner and a respondent if present;
- ~~(3) transmit, by the end of the same business day on which the order for protection is issued, a copy of the order for protection to each local law enforcement agency designated by a petitioner;~~
- (3) electronically notify each law enforcement agency:**
 - (A) required to receive notification under IC 5-2-9-6; or**
 - (B) designated by the petitioner;**
- (4) transmit a copy of the order to the clerk for processing under IC 5-2-9; ~~and~~
- (5) ~~notify the state police department of~~ **indicate in** the order if the order and the parties meet the criteria under 18 U.S.C. 922(g)(8); ~~and~~
- (6) require the clerk of court to enter or provide a copy of the order to the Indiana protective order registry established by IC 5-2-9-5.5.**

(e) An order for protection issued ex parte or upon notice and a hearing, or a modification of an order for protection issued ex parte or upon notice and a hearing, is effective for two (2) years after the date of issuance unless another date is ordered by the court. The sheriff of each county shall provide expedited service for an order for protection.

(f) A finding that domestic or family violence has occurred sufficient to justify the issuance of an order under this section means that a respondent represents a credible threat to the safety of a petitioner or a member of a petitioner's household. Upon a showing of domestic or family violence by a preponderance of the evidence, the court shall grant relief necessary to bring about a cessation of the violence or the threat of violence. The relief may include an order directing a respondent to surrender to a law enforcement officer or agency all firearms, ammunition, and deadly weapons:

- (1) in the control, ownership, or possession of a respondent; or
- (2) in the control or possession of another person on behalf of a respondent;

for the duration of the order for protection unless another date is ordered by the court.

(g) An order for custody, parenting time, or possession or control of property issued under this chapter is superseded by an order issued from a court exercising dissolution, legal separation, paternity, or

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guardianship jurisdiction over the parties.

(h) The fact that an order for protection is issued under this chapter does not raise an inference or presumption in a subsequent case or hearings between the parties.

SECTION 24. IC 34-26-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) A foreign protection order is facially valid if it:

- (1) identifies the protected person and the respondent;
- (2) is currently in effect;
- (3) was issued by a state or tribal court with jurisdiction over the:
 - (A) parties; and
 - (B) subject matter;
 under the law of the issuing state or Indian tribe; and
- (4) was issued after a respondent was given reasonable notice and an opportunity to be heard sufficient to protect the respondent's right to due process. In the case of an ex parte order, notice and opportunity to be heard must be provided within the time required by state or tribal law and within a reasonable time after the order is issued sufficient to protect the respondent's due process rights.

(b) A facially valid foreign protection order is prima facie evidence of its validity. The protection order may be inscribed on a tangible medium or stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of an order for protection is not required for enforcement.

(c) Except as provided in subsection (d), a protection order that is facially valid and issued by a court of a state (issuing state) or Indian tribe shall be accorded full faith and credit by Indiana courts.

(d) A mutual foreign protection order is not entitled to full faith and credit if the order is issued by a state or tribal court against a person who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against a family or household member, unless:

- (1) a separate petition or motion was filed by a respondent;
- (2) the issuing court has reviewed each motion separately and granted or denied each on its individual merits; and
- (3) separate orders were issued and the issuing court made specific findings that each party was entitled to an order.

(e) Registration or filing of a foreign protection order is not a prerequisite to enforcement of the order in Indiana, and a protection order that is consistent with this section shall be accorded full faith and credit notwithstanding a failure to register or file the order in Indiana. However, if a petitioner wishes to register a foreign protection order in Indiana, all Indiana courts of record shall accommodate the request.

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The division of state court administration shall develop a form to be used by courts, clerks, and law enforcement agencies when a petitioner makes a request to register a foreign protection order. **Except for a protective order issued to the Indiana protective order registry established by IC 5-2-9-5.5**, the courts, clerks of the courts, and sheriffs or law enforcement agencies maintaining depositories shall employ the same procedures required under IC 5-2-9-6 for entering, modifying, extending, or terminating a foreign protection order as those used for a protection order and a no contact order originating in Indiana.

(f) A facially valid foreign protection order shall be enforced by a law enforcement officer and a state court as if it were an order originating in Indiana. The order must be enforced if the foreign protection order contains relief that the state courts lack the power to provide in an order for protection issued in Indiana.

(g) An Indiana law enforcement officer:

- (1) may not require notification, registration, or filing of a facially valid foreign order for protection as a prerequisite to enforcement of an order;
- (2) if a foreign protection order is not presented, may consider other information to determine under a totality of the circumstances whether there is probable cause to believe that a valid foreign order for protection exists; and
- (3) who determines that an otherwise valid foreign protection order cannot be enforced because a respondent has not been notified or served with the order, shall:
 - (A) inform the respondent of the order;
 - (B) serve the order on the respondent;
 - (C) ensure that the order and service of the order are entered into the state depository;
 - (D) allow the respondent a reasonable opportunity to comply with the order before enforcing the order; and
 - (E) ensure the safety of the protected person while giving the respondent the opportunity to comply with the order.

(h) After a foreign protective order is registered, the clerk shall enter the order in the Indiana protective order registry established by IC 5-2-9-5.5.

SECTION 25. IC 34-26-5-18, AS AMENDED BY P.L.52-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. The following orders are required to be entered into the Indiana data and communication system (IDACS) by a county sheriff or local law enforcement agency:

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- (1) A no contact order issued under IC 31-32-13 in a juvenile case.
- (2) A no contact order issued under IC 31-34-20 in a child in need of services (CHINS) case.
- (3) A no contact order issued under IC 31-34-25 in a CHINS case.
- (4) A no contact order issued under IC 31-37-19 in a delinquency case.
- (5) A no contact order issued under IC 31-37-25 in a delinquency case.
- (6) A no contact order issued under IC 33-39-1-8 in a criminal case.
- (7) An order for protection issued under this chapter.
- (8) A workplace violence restraining order issued under IC 34-26-6.
- (9) A no contact order issued under IC 35-33-8-3.2 in a criminal case.
- (10) A no contact order issued under IC 35-38-2-2.3 in a criminal case.
- (11) A child protective order issued under IC 31-34-2.3.
- (12) A foreign protective order registered under IC 34-26-5-17."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 345 as printed March 24, 2009.)

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